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Nicaragua

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1978)		CPED
	ICESCR (1980)		
	ICCPR (1980)		
	ICCPR-OP 2 (2009)		
	CEDAW (1981)		
	CAT (2005)		
	OP-CAT (2009)		
	CRC (1990)		
	OP-CRC-AC (2005)		
	OP-CRC-SC (2004)		
	ICRMW (2005)		
	CRPD (2007)		
Reservations, declarations and/or understandings	ICRMW (general declaration/reservation, art. 42, para. 3, 2005)		
Complaint procedures, inquiry and urgent action[3]	ICCPR-OP 1 (1980)	OP-CRPD, art. 6 (2010)	ICERD, art. 14
	CAT, art. 20 (2005)		OP-ICESCR
			ICCPR, art. 41
			OP-CEDAW
			CAT, arts. 21 and 22
			OP-CRC-IC
			ICRMW, arts. 76 and 77
			CPED

Other main relevant international instruments[4]

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide Palermo Protocol[5] Convention on refugees[6] Geneva Conventions of 12 August 1949 and Additional Protocols thereto[7] ILO fundamental conventions[8] UNESCO Convention against Discrimination in Education	Conventions on stateless persons[9] ILO Conventions No. 169 and No. 189[10]	Rome Statute of the International Criminal Court

1. In 2010, the Committee on the Rights of the Child (CRC) recommended that Nicaragua ratify CPED, OP-CEDAW and OP-ICESCR;[11] the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption;[12] and the Rome Statute of the International Criminal Court.[13]

2. The Office of the United Nations High Commissioner for Refugees (UNHCR) welcomed the parliament's approval, on May 2013, of the State's accession to the two statelessness conventions.[14] UNHCR encouraged the Government to adopt a statelessness determination procedure to ensure the protection of stateless persons who are not refugees, and to implement legislation that codifies the protections guaranteed in the 1954 Convention relating to the Status of Stateless Persons.[15]

B. Constitutional and legislative framework

3. The United Nations in Nicaragua highlighted the recent ratification of the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the ILO Domestic Workers Convention, 2011 (No. 189).[16] The national legal framework needed further strengthening, however, to provide greater guarantees for the exercise of certain fundamental rights, such as those relating, inter alia, to immovable property, the rights of indigenous communities and the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. Similarly, efforts should continue to bring legislation up-to-date by incorporating the obligations under the Convention on the Elimination of All Forms of Discrimination against Women and under ILO Convention No. 169. Several of the normative advances made in recent years had yet to be properly implemented, such as the establishment of the National Council for Equality as provided for in the Equal Rights and Opportunities Act or the establishment of the national mechanism required under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Nicaragua had ratified.[17]

4. The United Nations in Nicaragua added that efforts had been made to improve the national legal framework, particularly with regard to women, children and adolesents, youth, indigenous peoples and persons of African descent, migrants, persons with disabilities and persons living with HIV/AIDS. A whole series of laws had been adopted or had begun to be implemented, including laws on food and nutrition sovereignty and security, promotion of the construction of social housing, the rights of persons with

disabilities, the promotion of agroecological farming techniques, violence against women, traditional medicine and the rights of persons living with HIV/AIDS.[18]

5. CRC expressed regret that Nicaragua had not fully implemented its obligations under OP-CRC-SC,[19] and that the Penal Code only partly incorporated the offences covered by that Optional Protocol.[20] CRC recommended that Nicaragua harmonize its penal law with articles 2 and 3 of OP-CRC-SC,[21] harmonize its Penal Procedure Code with the Penal Code and ensure that its legislation contains specific provisions on the sale of children.[22]

6. CRC recommended that the Children and Adolescents Code be complemented by the new, yet-to-be-adopted Family Code.[23]

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions[24]

National human rights institution	*Status during previous cycle*	*Status during present cycle*[25]
Office of the Human Rights Advocate	A (2006)	A (2011)

7. The United Nations in Nicaragua said that the Office of the Human Rights Advocate was the first national human rights institution in Latin America to include a Special Advocate for the Rights of Sexual Diversity. The United Nations in Nicaragua recommended that the State continue to strengthen mechanisms to ensure the impartiality and the human rights work of the Office of the Human Rights Advocate.[26]

8. CRC was concerned at the inadequacy of resources available for the Office of the Ombudsperson for Human Rights and for the Special Ombudsperson for the Protection of Children and Adolescents. It recommended that the Government guarantee the independence of the Ombudsperson for Human Rights.[27]

9. The United Nations in Nicaragua noted that there was no State institution responsible for developing policies, or monitoring and coordinating actions and programmes in the area of human rights. In view of the number of recommendations received from specialized international bodies and the scope of the challenges faced, it was time such a body with those responsibilities was established. The Government Commission on the universal periodic review could, in the future, act as a State institution with that mandate.[28]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[29]

10. The Subcommittee on Prevention of Torture announced that it planned to visit Nicaragua in 2014.[30]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	March 2008	–	–	Fifteenth to seventeenth reports overdue since 2011
CESCR	November 2008	–	–	Fifth report overdue since June 2013
HR Committee	October 2008	–	–	Fourth report overdue since 2012
CEDAW	January 2007	–	–	Seventh and eighth reports overdue since 2010
CAT	May 2009	–	–	Second report overdue since May 2013
CRC	June 2005	2008 (on CRC, OP-CRC-AC and OP-CRC-SC)	October 2010 (on CRC, OP-CRC-AC and OP-CRC-SC)	Fifth and sixth reports due in 2015
CMW	–	–	–	Initial report overdue since 2007
CRPD	–	–	–	Initial report overdue since 2010

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
HR Committee	2009	Killings of women; abortion; conditions in detention; and human rights defenders[31]	2011[32] Follow-up ongoing[33]
CERD	2009	National Commission for the Elimination of Racial Discrimination; Awas Tingni community and right to land; and right to health for indigenous and African descent peoples[34]	–
CEDAW	–	–	–
CAT	2010	Definition and criminalization of torture; investigation of torture; administration of justice; violence against women; and protection of children against torture[35]	Reminder sent by CAT[36]

11. The United Nations in Nicaragua encouraged the State to continue to cooperate with human rights protection bodies by submitting its outstanding reports to the human rights treaty bodies and to the ILO monitoring bodies.[37]

B. Cooperation with special procedures[38]

	Status during previous cycle	*Current status*
Standing invitation	Yes	Yes
Visits undertaken	Arbitrary detention	
	Right to food	
Visits agreed to in principle	Racism	
Visits requested	Disappearances	Disappearances
	Minority issues	Sale of children
	Extreme poverty	Freedom of peaceful assembly and of association
	Arbitrary detention (for follow-up)	
		Indigenous peoples
Responses to letters of allegations and urgent appeals	During the period under review three communications were sent; the Government replied to all of them.	
Follow-up reports and missions	Right to food	

12. CRC urged Nicaragua to accept the visit request from the Special Rapporteur on the sale of children, child prostitution and child pornography.[39]

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

13. A Human Rights Adviser was deployed to Nicaragua between 2007 and 2010. Nicaraguan authorities have collaborated with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on a number of initiatives; for example, the national human rights institution collaborated in the elaboration of a protocol and training module on racial discrimination.[40] Nicaragua is a regular donor to OHCHR.[41]

III. Implementation of international human rights obligations

A. Equality and non-discrimination

14. CRC was concerned that indigenous peoples, peoples of African descent, women, girls and children in rural and remote areas suffered de facto discrimination. It urged Nicaragua to eradicate discrimination.[42]

15. The United Nations in Nicaragua believed that, despite the progress achieved, profound gender inequalities remained.[43] Rural women, and particularly the indigenous women among them, had the lowest education levels, the highest illiteracy rates and the lowest wages, and also had the most limited access to resources and health and other services.[44]

16. The United Nations in Nicaragua noted that some progress had been made regarding the rights of the LGBTI community. For example, the Criminal Code laid down penalties

for acts of discrimination based on sexual orientation.[45] However, in the absence of specific protection laws and policies,[46] LGBTI persons could not effectively access their rights.

B. Right to life, liberty and security of the person

17. The United Nations in Nicaragua said that the definition of torture had not yet been brought into line with the Convention against Torture, and it recommended that the State consider doing so.[47] CRC recommended that Nicaragua adopt appropriate measures to combat torture and cruel, inhuman or degrading treatment; investigate allegations of torture and ill-treatment of children; and bring perpetrators to justice.[48]

18. The United Nations in Nicaragua recognized the efforts made to promote the rights of persons deprived of their liberty by improving the basic infrastructure in prisons and detention facilities run by the national police.[49] Persons deprived of their liberty nevertheless lived in overcrowded conditions. The situation was particularly serious in the two autonomous regions, which did not have adequate facilities for pretrial detention or criminal detention.[50]

19. In the framework of follow-up to its concluding observations, in 2012 the Human Rights Committee (HR Committee) reiterated its recommendation regarding persons deprived of liberty, namely, that Nicaragua improve conditions for all persons deprived of their liberty and comply with the Standard Minimum Rules for the Treatment of Prisoners, and tackle overcrowding.[51]

20. CRC remained concerned at the lack of special detention centres for children, and at reports of abuse, mistreatment and unsatisfactory conditions in detention centres. It urged Nicaragua to implement the juvenile justice standards; and establish separate detention centres for persons below the age of 18.[52]

21. The United Nations in Nicaragua noted that femicide had been classified as an offence.[53] In addition, the Comprehensive Act against Violence towards Women (Act No. 779) constituted a step forward in terms of the protection of women. However, the reform adopted by the National Assembly in September 2013 introduced measures such as mediation. Violence against women remained a serious problem.[54] The United Nations in Nicaragua encouraged the State to continue its efforts to implement special legal protection measures for women victims of all forms of violence, particularly by establishing a victim and witness protection programme.[55]

22. CRC was concerned at the high levels of child abuse and neglect, including sexual abuse, and domestic and gender-based violence in Nicaragua, and at the high number of girls raped and sexually abused by family members.[56] It recommended that Nicaragua prevent domestic and gender-based violence and child abuse,[57] including through public-awareness programmes on child abuse, with special attention to sexual abuse;[58] address the gender dimension of violence against children;[59] prosecute and punish perpetrators;[60] and formulate a national plan to address violence against children (including corporal punishment and sexual abuse), including aspects of prevention, care and reparations.[61]

23. CRC was concerned that while article 155 of the Penal Code prohibited corporal punishment it made an exception for "disciplinary correction". It recommended that article 155 be amended to explicitly state that all corporal punishment constitutes an offence.[62]

24. CRC took note of the new Strategic Plan against Trafficking in Persons (2010–2014) and recommended that Nicaragua ensure that the strategic plan has adequate resources.[63] Also, CRC was concerned at the high number of children, particularly girls, who fell victim to trafficking[64] and that child sex tourism remained a serious problem.[65] It recommended that Nicaragua enhance government action and coordination to combat sexual exploitation

and trafficking of children and women and, in particular, to renew the National Plan against Commercial Sexual Exploitation of Children and Adolescents; investigate and sanction such sexual exploitation and trafficking; and implement policies to prevent, recover and reintegrate child victims.[66]

25. CRC was concerned at the high number of children who were working, and that a high proportion of them worked in the informal sector, including activities defined as the worst forms of child labour. It recommended that Nicaragua apply the new regulations of the Labour Code regarding domestic labour, and monitor labour laws and regulations, particularly in the informal sector.[67]

26. CRC was concerned at the high number of children living in the streets. It recommended that Nicaragua reduce their number and that such children attend school and be provided with shelter, food and health services.[68]

C. Administration of justice, including impunity, and the rule of law

27. In November 2012, participants in a regional consultation on the independence of the judiciary in Central America, organized by the Special Rapporteur on the independence of judges and lawyers, had drawn attention to the serious situation in Nicaragua. They had said that appointments of Supreme Court justices were heavily influenced by politics. In addition, they had pointed out that the National Council of the Administration and the Judicial Service did not comply with selection and appointment procedures in competitive examinations.[69] It was also mentioned that the term of office of many State posts had expired, including in the judiciary, which posed a serious problem.[70] Participants had also referred to some positive points; for example, starting in January 2013, civil servants in the judiciary, including judges and magistrates, would undergo a performance appraisal. The purpose of the performance appraisal was to establish a ranking within the judicial service so as to be able to select persons for promotion and implement a selection system based on a competitive examination, based on the magistrates' courts.[71]

28. The Government had sent a reply objecting to the content of the Special Rapporteur's report, on the ground that it did not reflect the reality of the administration of justice in Nicaragua. It also regretted that the Special Rapporteur had not asked the Nicaraguan judiciary for official information.[72]

29. The United Nations in Nicaragua deemed it necessary to reduce the level of impunity and the delays and institutional weakness in the justice system.[73]

30. The United Nations in Nicaragua added that, in the case of indigenous peoples and persons of African descent, despite the fact that the legal framework recognized legal pluralism, including the right of those groups to their own legal system, more decisive progress was needed in providing training for law practitioners and in harmonizing the State legal system with the indigenous legal system.[74]

D. Right to marriage and family life

31. CRC was concerned at the large number of children who were not registered and who did not have birth certificates (about 40 per cent), particularly those of indigenous and Afro-descendant origins. It recommended the approval of the new Civil Registry Law.[75]

32. Concerned at the low and unequal minimum age for marriage (15 for boys and 14 for girls, with parental consent), CRC recommended that the State ensure that the minimum age for marriage for girls and boys is 18 years.[76]

33. CRC was concerned that children who might be declared adoptable were left in institutions for long periods. It recommended that Nicaragua streamline adoption procedures, that the transition period be as short as possible and that during that time, children be cared for by foster families.[77] CRC also recommended that Nicaragua prevent the placement of children in institutions.[78]

E. Freedom of expression, association and peaceful assembly, and right to participate in public and political life

34. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation remained a criminal act under articles 202–205 of the Penal Code and carried a monetary penalty. At the same time, article 429 of the Penal Code contained punishment of up to five years' imprisonment for crimes against freedom of expression and information, including preventing the right to inform and be informed.[79] UNESCO encouraged Nicaragua to decriminalize defamation and to place it under the civil code in line with international standards.[80]

35. UNESCO recorded no killing of journalists in Nicaragua between 2008 and 2012. However, there had been reports of journalists receiving death threats and being harassed as a result of their professional work.[81] Nicaragua must ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights and must investigate all attacks on journalists and media workers.[82]

36. The United Nations in Nicaragua encouraged the State to continue its efforts to promote the full exercise of the right to freedom of information and expression. It also recommended that the State promote independence and pluralism in the media and create awareness of the importance of freedom of expression as a fundamental human right.[83]

37. The United Nations in Nicaragua pointed out that although Nicaragua had adopted the Public Information Access Act, it had not yet established an institutional structure guaranteeing the right to access such information.[84]

38. The United Nations in Nicaragua said that the 2011 national elections and the 2012 municipal elections had been monitored by international bodies, including the European Union and the Organization of American States. There had been complaints of irregularities and incidents had been reported after the elections, including five deaths in 2011 and three in 2012. It was not known whether any follow-up action was taken or efforts made to implement the recommendations made by the election monitors from the European Union and the Organization of American States. National electoral monitoring had been subject to restrictions.[85]

39. The United Nations in Nicaragua reported that gender parity among elected representatives had been ensured in the municipal elections, making it possible for the first time to have an equal proportion of men and women serving as mayors and deputy mayors.[86]

40. With regard to electoral rights, the United Nations in Nicaragua said that the State had not yet fully complied with the ruling of the Inter-American Court of Human Rights in the case of *Yatama v. Nicaragua*, which required Nicaragua to adapt its Elections Act to the special situation of indigenous peoples and to establish a quick and simple remedy that would enable effective review of decisions issued by the Supreme Electoral Council affecting human rights.[87]

41. The United Nations in Nicaragua urged the State to maximize its efforts to promote a culture of tolerance, dialogue and respect for human rights, strengthening the inclusion of

sectors of civil society that were not necessarily part of official participation models. Persons and institutions that defended human rights played a central role in protecting those rights, and the State should therefore provide them with suitable conditions, avoiding any kind of practice that impeded their work.[88]

F. Right to social security and to an adequate standard of living

42. CRC was concerned at the wide income inequality among families countrywide.[89] UNESCO noted that Nicaragua was undergoing a reform of its social and economic model, focused on State investment in education, cultural and social affairs and based on the strengthening of new productive sectors.[90] CRC encouraged Nicaragua to increase the level of social investment for the protection of child rights, ensure an equitable allocation to disadvantaged regions and groups and address gender and ethnic disparities.[91]

43. The United Nations in Nicaragua noted that the Government, through Decree No. 28-2013, had restored the right to a reduced old-age pension based on a minimum number of contributions to the Nicaraguan Social Security Institute. Demands for such pensions had led to protests and clashes with national and international repercussions in June 2013.[92]

44. The Special Rapporteur on the right to food stated that the Government should assess the impact of trade agreements on a regular basis, in particular in the light of the recently adopted Law on Food and Nutrition Security and Sovereignty, in order to ensure that trade liberalization will not fragilize the most marginal farmers.[93]

45. The Special Rapporteur stressed that the programmes placed under the *Hambre Cero* strategy could be further improved by integrating the human rights principles of non-discrimination, transparency, participation and accountability.[94]

46. The United Nations in Nicaragua said that there was a need to continue improving access to adequate food for persons living in extreme poverty. It noted that the extreme poverty rate was five times higher in rural areas compared with urban areas, while the overall poverty rate in rural areas was double the rate in urban areas. Reducing poverty and extreme poverty in rural areas therefore continued to pose the greatest challenge.[95]

47. In 2010 the Special Rapporteur on the right to food recommended that protection against forced evictions should be improved, and the victims should have remedies against any eviction incompatible with the rule of law or international standards. He added that Nicaragua should take measures which provide the greatest possible security of tenure to occupiers of houses and land, conform to the International Covenant on Economic, Social and Cultural Rights and are designed to control strictly the circumstances under which evictions may be carried out.[96]

G. Right to health

48. The United Nations in Nicaragua said that the Nicaraguan health-care model sought to guarantee universal and free access. That model had enabled progress in areas such as delivery care, coverage of prenatal check-ups and early detection of pregnancy, thereby reducing maternal and infant mortality.[97] Nevertheless, infant mortality was twice as high in rural areas compared with urban areas. There were also a number of challenges to overcome, such as improving access to information, education and sexual and reproductive health services, particularly for adolescents and young persons, women, LGBTI persons, and persons living in rural areas and autonomous regions.[98]

49. CRC noted that child, infant and maternal mortality rates remained high. It recommended ensuring access to high-quality health care for all children and women,

including in rural and indigenous areas,[99] and access to sexual and reproductive health services with a view to preventing teenage pregnancies.[100]

50. CRC was concerned that the Penal Code had criminalized abortion, even in cases when the mother's life is at risk and when the pregnancy is the result of rape or incest,[101] including for pregnant child victims of rape and incest.[102] It recommended that Nicaragua repeal the articles of the Penal Code that criminalized abortion; and ensure that girls are not sanctioned for seeking an abortion under any circumstances.[103] The HR Committee reiterated its recommendation that Nicaragua bring its legislation on abortion into line with the Covenant.[104]

H. Right to education

51. The United Nations in Nicaragua noted that preschool education coverage had increased slightly, while illiteracy rates had remained low, and adult education programmes had been further improved. With regard to the budget, the resources allocated to education had increased in absolute terms, although as a percentage of GDP they had remained essentially unchanged. Infrastructure continued to pose challenges. Although an intercultural education system had been established in the autonomous regions, it had not yet been fully implemented.[105] UNESCO encouraged the Government to strengthen efforts to guarantee indigenous people's right to education[106] and CRC recommended implementing the Intercultural Bilingual Education policy.[107]

52. According to the United Nations in Nicaragua, the main challenges included universalizing preschool education coverage, increasing coverage of secondary and technical education and vocational training, improving the quality of education and reducing inequities in access to schooling, improving the school environment and expanding spaces for the participation of social organizations in education management at the local level.[108]

53. CRC was concerned that 500,000 children still did not attend school, regional disparities were very broad, drop-out rates were high, violence and discrimination was ongoing in schools, and almost half of all adolescents were not in the school system.[109]

I. Cultural rights

54. UNESCO noted that cultural councils (*Consejos de Cultura del Poder Ciudadano*) represented the State but were in charge of the promotion of the participation of all in cultural life. Artists or cultural managers were often only recognized as such when they belonged to one of the cultural associations recognized by the cultural councils.[110] UNESCO encouraged Nicaragua to develop a stronger decentralized cultural sector, in conformity with the needs of its multicultural population.[111]

J. Persons with disabilities

55. The United Nations in Nicaragua drew attention to the adoption of Act No. 763 on the Rights of Persons with Disabilities and the provision of services to persons with disabilities through the *Todos con Voz* (A Voice for All) programme.[112] Nevertheless, most public and private buildings remained inaccessible to persons with motor impairments.[113]

56. CRC was concerned that a high proportion of children with disabilities did not have access to public health services. It recommended that Nicaragua build the capacity of health and social services to provide care to children with disabilities.[114] The United Nations in

Nicaragua pointed out that a high percentage of children with disabilities between the ages of 3 and 16 years were excluded from the school system.[115] CRC recommended that the Government ensure that the education system is fully equipped to implement the inclusive education policy.[116]

57. The United Nations in Nicaragua encouraged the State to allocate the necessary resources to implement Act No. 763 and to enable the population to access socioeconomic services. It also encouraged the State to develop programmes and policies to promote the right to education for children with disabilities and to eliminate discrimination against persons with disabilities.[117]

K. Minorities and indigenous peoples

58. The United Nations in Nicaragua believed that, despite the progress achieved, indigenous peoples and persons of African descent continued to face limitations compared with the rest of the population. Negative stereotypes still prevailed, and the media still published distorted information about indigenous peoples and persons of African descent. The indigenous peoples of the Pacific, Central and Northern regions did not enjoy as much visibility or recognition in the law as the peoples of the Caribbean coast. The National Assembly was considering a specific bill that, if adopted, could become a very valuable tool to help realize their rights.[118]

59. The indigenous peoples of the Atlantic coast and other regions of the country were under threat from the advancing agricultural frontier, from logging and mining, and from the inappropriate exploitation of fishery resources. State intervention should be strengthened so as to control those practices, and should include the holding of free, prior, and informed consultations with the indigenous peoples and persons of African descent who were affected.[119]

60. CRC was concerned that indigenous and Afro-descendant children faced significant challenges in exercising their rights, specifically the right to enjoyment of their culture and language.[120]

61. The Special Rapporteur on the right to food recommended that the Government put in place a rapid alert system in order to protect indigenous peoples from the impacts of weather-related events, and support them in building the resilience of their food systems against climate change.[121]

L. Migrants, refugees and asylum seekers

62. UNHCR noted that Nicaragua was a country of origin of economic migrants and was largely a transit country for asylum seekers and refugees moving towards the North in mixed migratory flows. Nicaragua received few asylum claims but there was a need to develop migration and detention standards that comply with basic international human rights.[122]

63. UNHCR added that the legal framework on asylum was advanced. The Law on Refugee Protection incorporated the extended refugee definition of the 1984 Cartagena Declaration on Refugees and gender-based persecution was recognized as a ground for recognition of refugee status.[123] Also, the Law on Migration established that complementary protection status could be granted to persons who did not qualify as refugees, but who, nevertheless, were in need of international protection.[124]

64. UNHCR indicated that, in the context of the mixed migratory flows arriving to Nicaragua, it was crucial for the Government to establish proper identification and referral

mechanisms to be able to respond to the specific needs of all categories of persons in need of international protection. UNHCR recommended that the Government strengthen its efforts to manage mixed migration flows in a protection-sensitive manner; and adopt measures to establish appropriate mechanisms aimed at early identification, referral, assistance and support for persons in need of international protection.[125]

65. The United Nations in Nicaragua recommended strengthening monitoring, follow-up and protection for the migrant population in transit, for example by adopting the proposed law on the protection of nationals abroad.[126]

66. CRC noted with concern that migration for economic and employment reasons had steadily increased in Nicaragua.[127]

Notes

[1] Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on Nicaragua from the previous cycle (A/HRC/WG.6/7/NIC/2).

[2] The following abbreviations have been used for the present document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] Information relating to other relevant international human rights instruments may be found in the pledges and commitments undertaken by Nicaragua before the Human Rights Council, as contained in the note verbale (A/65/823) dated 18 April 2011 sent by the Permanent Mission of Nicaragua to the United Nations addressed to the President of the General Assembly. Available from www.un.org/en/ga/search/view_doc.asp?symbol=A/65/823&Lang=E.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

[7] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[8] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[9] 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[10] International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.

[11] Concluding observations of the Committee on the Rights of the Child (CRC/C/NIC/CO/4), para. 85.

[12] Ibid., para. 57.

[13] Concluding observations of the Committee on the Rights of the Child (CRC/C/OPAC/NIC/CO/1), para. 22. See also UNCT submission to the UPR on Nicaragua, paras. 11 and 84.

[14] UNHCR submission to the UPR on Nicaragua, p. 2.

[15] Ibid., p. 5.

[16] UNCT submission, para. 6.

[17] Ibid., para. 8.

[18] Ibid., para. 7.

[19] Concluding observations of the Committee on the Rights of the Child (CRC/C/OPSC/NIC/CO/1), para. 7.

[20] Ibid., para. 23.

[21] Ibid., para. 24.

[22] Ibid., para. 8.

[23] CRC/C/NIC/CO/4, para. 9.

[24] According to article 5 of the rules of procedure for the International Coordinating Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).

[25] For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.

[26] UNCT submission, para. 9.

[27] CRC/C/NIC/CO/4, paras. 16–17; CRC/C/OPAC/NIC/CO/1, paras. 7–8; and CRC/C/OPSC/NIC/CO/1, paras. 13–14.

[28] UNCT submission, para. 10.

[29] The following abbreviations have been used for this document:

CERD Committee on the Elimination of Racial Discrimination
CESCR Committee on Economic, Social and Cultural Rights
HR Committee Human Rights Committee
CEDAW Committee on the Elimination of Discrimination against Women
CAT Committee against Torture
CRC Committee on the Rights of the Child
CMW Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD Committee on the Rights of Persons with Disabilities

[30] OHCHR, "Key UN group on prevention of torture announces countries to be visited in 2014", press release, 18 November 2013. Available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=14001&LangID=E.
[31] Concluding observations of the Human Rights Committee (CCPR/C/NIC/CO/3), para. 23.
[32] A/67/40, Vol. I, paras. 69 and 235, and pp. 168–171 and 225–226.
[33] Letters dated 23 April 2010, 8 October 2010, 10 May 2011, 2 August 2011 and 26 April 2012 from HR Committee to the Permanent Mission of Nicaragua in Geneva, available at http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR&Lang=en.
[34] Concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/NIC/CO/14), para. 34.
[35] Concluding observations of the Committee against Torture (CAT/C/NIC/CO/1), para. 30.
[36] Letter dated 28 March 2011 from CAT to the Permanent Mission of Nicaragua in Geneva. Available from http://www2.ohchr.org/english/bodies/cat/docs/ReminderNicaragua28032011.pdf.
[37] UNCT submission, para. 11.
[38] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
[39] CRC/C/OPSC/NIC/CO/1, para. 40.
[40] *OHCHR Report 2011*, p. 33.
[41] OHCHR annual reports 2009–2012. Available from www.ohchr.org/en/publicationsresources/pages/annualreportappeal.aspx.
[42] CRC/C/NIC/CO/4, paras. 36–37.
[43] UNCT submission, para. 79.
[44] Ibid., para. 80. See also CRC/C/NIC/CO/4, paras. 36–37.
[45] UNCT submission, para. 67.
[46] Ibid., para. 68.
[47] Ibid., para. 50.
[48] CRC/C/NIC/CO/4, paras. 46–47. See also CRC/C/NIC/CO/4, para. 81 (d).
[49] UNCT submission, para. 99.
[50] Ibid., para. 100.
[51] Letter dated 26 April 2012 from the HR Committee to the Permanent Mission of Nicaragua in Geneva, second page. Available from http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR&Lang=en. See also CCPR/C/NIC/CO/3, para. 17.
[52] CRC/C/NIC/CO/4, paras. 80–81.
[53] UNCT submission, para. 45.
[54] Ibid. paras. 48-49.
[55] Ibid., para. 51.
[56] CRC/C/NIC/CO/4, para. 58. See also UNCT submission, para. 81.
[57] CRC/C/NIC/CO/4, para. 59.
[58] Ibid., para. 59 (a).
[59] Ibid., para. 50 (d).
[60] Ibid., para. 59 (f).
[61] Ibid., para. 59 (h). See also UNCT submission, para. 74.
[62] CRC/C/NIC/CO/4, paras. 48–49. See also CRC/C/NIC/CO/4, para. 50 (a).
[63] CRC/C/OPSC/NIC/CO/1, paras. 11–12 (a). See also CRC/C/OPSC/NIC/CO/1, para. 19.
[64] CRC/C/NIC/CO/4, para. 76.
[65] CRC/C/OPSC/NIC/CO/1, para. 21.

[66] CRC/C/NIC/CO/4, para. 77 (a) (b) and (c). See also UNCT submission, paras. 46–47 and CRC/C/OPSC/NIC/CO/1, para. 22 (a).
[67] CRC/C/NIC/CO/4, paras. 72, 73 (b) and (c). See also UNCT submission, para. 71.
[68] CRC/C/NIC/CO/4, paras. 74, 75 (a) and (c).
[69] A/HRC/23/43/Add.4, para. 66.
[70] Ibid., para. 68.
[71] Ibid., para. 69.
[72] A/HRC/23/G/5, p. 1.
[73] UNCT submission, para. 53.
[74] Ibid., para. 54.
[75] CRC/C/NIC/CO/4, paras. 44–45(a). See also UNCT submission, paras. 62 and 73.
[76] CRC/C/NIC/CO/4, paras. 34–35.
[77] Ibid., paras. 56–57.
[78] Ibid., para. 55 (a).
[79] UNESCO submission to the UPR on Nicaragua, para. 18.
[80] Ibid., para. 28.
[81] Ibid., para. 21.
[82] Ibid., para. 29. See also UNCT submission, para. 51.
[83] UNCT submission, para. 61.
[84] Ibid., para. 60. See also UNESCO submission, paras. 19 and 27.
[85] UNCT submission, para. 56.
[86] Ibid., para. 58.
[87] Ibid., para. 57.
[88] Ibid., para. 59.
[89] CRC/C/NIC/CO/4, paras. 68–69.
[90] UNESCO submission, para. 15.
[91] CRC/C/NIC/CO/4, paras. 18 and 20 (a).
[92] UNCT submission, para. 91.
[93] A/HRC/13/33/Add.5, para. 83 (b).
[94] Ibid., para. 83 (f). See also UNCT submission, para. 14.
[95] UNCT submission, para. 15. See also CRC/C/NIC/CO/4, paras. 68-69.
[96] A/HRC/13/33/Add.5, para. 83 (a).
[97] UNCT submission, para. 19.
[98] Ibid., para. 21. See also CRC/C/NIC/CO/4, paras. 62–64, 65 (a) and (b).
[99] CRC/C/NIC/CO/4, paras. 62–63.
[100] Ibid., paras. 64, 65 (a) and (b).
[101] CRC/C/NIC/CO/4, para. 64. See also CRC/C/NIC/CO/4, para. 58.
[102] Ibid., para. 58.
[103] Ibid., para. 59 (b).
[104] Letter dated 26 April 2012 from HR Committee to the Permanent Mission of Nicaragua in Geneva, p. 2. Available from http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CCPR&Lang=en. See also CCPR/C/NIC/CO/3, para. 13 and UNCT submission, para. 83.
[105] UNCT submission, paras. 25-29.
[106] UNESCO submission, para. 23. See also CRC/C/NIC/CO/4, para. 71 (c).
[107] CRC/C/NIC/CO/4, para. 71 (c).
[108] UNCT submission, para. 30.
[109] CRC/C/NIC/CO/4, para. 70 (a)(b)(d)(f).
[110] UNESCO submission, para. 16.
[111] Ibid., para. 25.
[112] UNCT submission, para. 93.
[113] Ibid., para. 95.
[114] CRC/C/NIC/CO/4, paras. 60 and 61 (c).
[115] UNCT submission, para. 97.
[116] CRC/C/NIC/CO/4, para. 61 (b).
[117] UNCT submission, para. 98.
[118] Ibid., para. 64.

[119] Ibid., para. 38.
[120] CRC/C/NIC/CO/4, para. 83.
[121] A/HRC/13/33/Add.5, para. 83 (h).
[122] UNHCR submission, pp. 1–2.
[123] Ibid., p. 2.
[124] Ibid., p. 2. See also UNCT submission, para. 85.
[125] UNHCR submission, p. 3. See also UNCT submission, para. 86.
[126] UNCT submission, para. 87.
[127] CRC/C/NIC/CO/4, paras. 78–79(a).